



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

February 17, 2009

VIA CERTIFIED MAIL 7007 1490 0000 0843 6236

Kelly Smith, Environmental Compliance Manager
Waste Management of Indiana, LLC
Prairie View RDF
P.O. Box 128
15505 Shively Road
Wyatt, Indiana 46595

Re: Approval of Renewal of
Solid Waste Facility Permit
Waste Management of LaPorte
Transfer Station
LaPorte County
FP 46-07

Dear Ms. Smith:

The permit renewal application for the above-referenced facility received on December 24, 2008, has been reviewed and certified as meeting the requirements of IC 13-15-1-3 and 329 IAC 11-11-2. This permit renewal applies to the transfer station located at Hupp Road & 1st Line Road in the Kingsbury Industrial Park in LaPorte County which contains approximately four point eight (4.8) acres. The permittee or operator shall operate this facility according to the terms and requirements of this permit renewal letter, the enclosures, and the applicable statutes and regulations in effect on the effective date of this renewal. This facility permit renewal FP 46-07 will expire on February 15, 2014.

This permit renewal allows Waste Management of Indiana, LLC to continue operating the facility subject to the terms of this letter and the enclosed requirements. In accordance with 329 IAC 11-11-4, solid waste facility permit FP 46-07 does not authorize: any injury to any person or private property; the invasion of other private rights; the infringement of federal, state, or local laws or regulations; nor preempt any duty to comply with other state or local requirements.

In order to continue operation past this permit's expiration date, a renewal application in accordance with 329 IAC 11-9-4 must be submitted at least one hundred twenty (120) days prior to the expiration date of February 15, 2014.

Pursuant to IC 4-21.5, a Petition for Review of this permit renewal letter may be initiated by you, as applicant, or by an "aggrieved or adversely affected person." This permit renewal becomes effective once all applicable time periods for petitioning for Stays of Effectiveness have expired, unless you are notified in writing by an Environmental Law Judge that the permit renewal has been further stayed. As discussed in our enclosed Notice of Decision, if you wish to challenge this decision, you must file a Petition for Review with the Office of Environmental Adjudication within eighteen (18) days from the date that this permit renewal letter was mailed, pursuant to IC 4-21.5-3-7.

If you have any questions regarding this matter, please call (800) 451-6027, press 0 and ask for Alicia Brown, or ask for extension 2-8734 or call (317) 232-8734.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerome Rud for".

Thomas Linson, Chief
Permits Branch
Office of Land Quality

Enclosure: Permit Requirements
Notice of Decision
Letter to the News-Dispatch
Letter to the Kingsford Heights Branch of the LaPorte County Library

cc: LaPorte County Health Department (with enclosure)
The Honorable William Hager LaPorte County Commissioners (with enclosure)
The Honorable Michael Bohacek LaPorte County Commissioners (with enclosure)
The Honorable Barbara Huston, President, LaPorte County Commissioners (with enclosure)
LaPorte County Solid Waste Management District (with enclosure)
IDEM Northwest Regional Office Regional Office (with enclosure)
The Honorable Kathleen A. Chroback, Mayor of LaPorte (with enclosure)
The Honorable Ed Ritter, President, Kingsbury Town Council (with enclosure)

PERMIT REQUIREMENTS

- A. General Requirements**
- B. Closure/Post-Closure Requirements**

A. GENERAL REQUIREMENTS

- A1. The facility shall operate in accordance with the applicable requirements of 329 IAC 11.
- A2. The ground surface around the facility must be properly sloped, graded, and maintained to promote proper surface water run-off and to prevent ponding of water.
- A3. It is recommended that all required submittals be printed double-sided and sent via certified mail. An additional copy should also be submitted in Acrobat PDF format by CD, DVD, or other media acceptable to IDEM. All reports, notifications, ground water reports, and other information required to be submitted by this permit should be sent to:

**Alicia Brown
Indiana Department of Environmental Management
Office of Land Quality
Solid Waste Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**

- A4. The facility shall accept waste in accordance with 329 IAC 11-8-2.5, unless otherwise specified by this permit.
- A5. The following requirements apply to insignificant modifications at the facility:
 - a. The permittee may not be required to apply for a minor or a major modification of the current permit from IDEM if proposing one of the insignificant modifications described in 329 IAC 11-2-19.5.
 - b. If the permittee proposes or is required to make one of the insignificant modifications described at 329 IAC 11-2-19.5, the permittee shall follow the procedures for an insignificant modification described at 329 IAC 11-9-6.
- A6. The facility that receives industrial process waste as defined in 329 IAC 11-2-17, shall comply with the requirements of 327 IAC 15-6.

B. CLOSURE/POST-CLOSURE REQUIREMENTS

- B1. The permittee must close and maintain the facility during the one-year post-closure period that:
 - a. Minimizes the need for further maintenance;
 - b. Controls post-closure escape of contaminants to the ground surface, surface waters, ground waters or the atmosphere;
 - c. At a minimum, is in compliance with all applicable requirements of this permit.

- c. Maintenance of access control.
 - d. Removal of any waste that may be illegally dumped at the closed facility.
- B7. Within thirty (30) days of completion of the post-closure care requirements as specified in Requirement B6 of this letter, the permittee shall submit a certification statement signed by the permittee that the post-closure care requirements have been met. The post-closure certification will be deemed adequate unless within ninety (90) days of receipt of the certification, IDEM issues a request for additional information for post-closure, including action necessary to correct the deficiency.
- B8. Subsequent to the completion of post-closure, the owner or operator of a closed facility or the owner of real estate upon which a closed facility is located shall be responsible for immediately correcting and controlling any nuisance conditions occurring at the facility.
- B9. The permittee shall adequately fund closure and post-closure of the facility. Until final closure of the facility is certified, the permittee must annually review and submit to IDEM the updated financial closure and post-closure estimate no later than June 15 of each year. As a part of the annual review, the permittee must revise the closure and post-closure estimates as listed in 329 IAC 10-39-2(c)(1)(A) and (B) and/or for any changes in the facility plans that may increase the cost of closure or post-closure.
- B10. The permittee shall maintain financial responsibility of closure and post-closure similar to that provided for in 329 IAC 10-39.

The sum used for funding of the closure and post-closure of the facility shall be twenty thousand dollars (\$20,000), based on four thousand dollars (\$4,000) per acre or fraction of an acre and the facility acreage. The permittee may revise the cost estimates by submitting a detailed cost analysis for closure and post-closure of the facility. The revised cost estimates must be approved by IDEM prior to the implementation of any changes in the originally approved fund. However, the sum of the closure cost estimate and post-closure cost estimate shall not be less than four thousand dollars (\$4,000) per acre or a fraction of an acre covered by the permitted facility.

NOTICE OF DECISION

Indiana Department of Environmental Management

Please be advised that the Indiana Department of Environmental Management (IDEM), Office of Land Quality, has issued a solid waste facility Renewal Application for the Waste Management of LaPorte Transfer Station, which is located at Hupp Road & 1st Line Road in the Kingsbury Industrial Park, LaPorte County, Indiana. This permit allows Waste Management of Indiana, LLC, to continue operations at this facility. A copy of this permit is available for review at the Kingsford Heights Branch of the LaPorte County Library located at 436 Evanston Road, P.O. Box 219, Kingsford Heights, Indiana.

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a petition for administrative review not later than fifteen (15) days after being served with this notice. Under IC 13-15-6-7(c) you are considered to be served with this notice when you are personally served with the notice or three (3) days after the notice is deposited in the United States mail and addressed to you, whichever occurs first. Your petition describing your intent to challenge the IDEM decision must be submitted to the Office of Environmental Adjudication (OEA), Indiana Government Center North, Room N501, 100 North Senate Avenue, Indianapolis, Indiana 46204-2200. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the OEA, (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail, or (3) The date on which the document is deposited with a private carrier, as shown by the receipt issued by the carrier, if the document is sent to the OEA by private carrier. This petition must include facts demonstrating that the petitioner is the applicant, a person aggrieved by the decision, or a person entitled to review by law. In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Alicia Brown, Indiana Department of Environmental Management, Office of Land Quality, Solid Waste Permits Section, 100 North Senate Avenue-Rm. 1154, Indianapolis, Indiana 46204-2251. Identifying the permit decision, or other order for which you seek review by permit number, name of the application, location, or date of this notice will expedite review of the petition.

Additionally, IC 13-15-6-2 requires that such petition for administrative review include: (1) The name and address of the person making the request, (2) The interest of the person making the request, (3) Identification of any persons represented by the person making the request, (4) The reasons, with particularity, for the request, (5) The issues, with particularity, proposed for consideration at the hearing, and (6) The permit terms and conditions which, in the judgment of the person making the request, would be appropriate.

Pursuant to IC 4-21.5-3-5(d), the OEA will provide the petitioner or any person requesting notice with notice of prehearing conferences, preliminary hearings, hearing stays, or orders disposing of the petition for review if a written request for such notice is submitted to the OEA at the above address. If you have procedural or scheduling questions regarding your petition, you may contact OEA by dialing (800) 451-6027, press 0 and ask for extension 2-8591 or dial (317) 232-8591. Questions regarding other aspects of the permit decision should be directed to Alicia Brown at (800) 451-6027, press 0 and ask for Alicia Brown or extension 2-8734, or call direct at 317/232-8734.

Please bring this matter to the attention of persons you believe may have an interest in it.

Applicant and Interested Parties NOD